

IN THE UNITED STATES DISTRICT COURT *FILED BY*
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

OE D.C. 05 DEC 21 AM 9:29

THOMAS A. GULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

ROBERT LEE SMARTT,

Petitioner,

vs.

BRUCE PEARSON,

Respondent.

X X X X X X X X No. 05-2922-D/P

ORDER DIRECTING PETITIONER TO FILE AN IN FORMA PAUPERIS AFFIDAVIT
OR PAY THE HABEAS FILING FEE

Petitioner Robert Lee Smartt, Bureau of Prisons inmate registration number 18040-074, an inmate at the Federal Correctional Institution in Memphis ("FCI-Memphis"), filed a pro se petition pursuant to 28 U.S.C. § 2241 on December 9, 2005. The Clerk shall record the respondent as FCI-Memphis Warden Bruce Pearson.

A habeas petition carries a filing fee of five dollars (\$5.00). 28 U.S.C. § 1914(a). Smartt's petition is not accompanied by either the filing fee or a motion to proceed in forma pauperis. Accordingly, Smartt is ORDERED either to submit a properly completed in forma pauperis affidavit demonstrating his indigency, along with an inmate trust fund account statement, or pay the

*This document entered on the docket sheet in compliance
with Rule 58 and/or 78(a) FRCP on 12/21/05*

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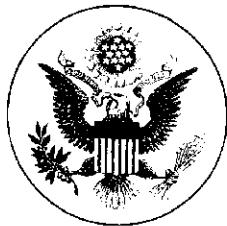
filings fee within thirty (30) days of the entry of this order. The Clerk is ORDERED to mail a copy of the prisoner in forma pauperis affidavit to petitioner along with this order.¹ Failure to timely comply with any requirement of this order will result in dismissal of the petition without further notice for failure to prosecute.

IT IS SO ORDERED this 21 day of December, 2005.



BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE

¹ In the interest of expediting this matter, petitioner is advised that, if his inmate trust fund account has a balance of at least twenty-five dollars (\$25.00), an application to proceed in forma pauperis will be denied.



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02922 was distributed by fax, mail, or direct printing on December 22, 2005 to the parties listed.

Robert Lee Smartt
FCI - Memphis
18040-074
P.O. Box 34550
Memphis, TN 38184--055

Honorable Bernice Donald
US DISTRICT COURT